

Serial No.: 10/517,747

Agent Docket No.: AP041-04

AMENDMENTS TO THE DRAWINGS:

No changes to the drawings.

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REMARKS

The Applicant appreciates the courteous and complete examination of the application by the Examiner. In view of the foregoing amendments and the following remarks, a reconsideration of the instant application is respectfully requested.

The Examiner objects to the specification because there is no brief description for Figure 1. A brief description of Figure 1 has been added to the section labeled "Brief description of the drawings" in the specification.

The Examiner rejects claim 7 under 35 U.S.C. 112, first and second paragraphs. Claim 7 has been amended to remove the unsupported and indefinite turbine subject matter, and replaces the removed subject matter with limitations of the location of the turbine and the air duct above the superstructure and adjacent at a right angle to the room. Support for this recitation is found in Figures 1, 2, 4, 5, 8, 10, 11 and 12. Therefore, claim 7 as amended is felt to conform to the statute.

Additionally, the Examiner rejects to claim 1 under 35 U.S.C. 102(b) as being anticipated by British documents (GB 2080437). Claim 1 has been amended to incorporate limitations not disclosed or taught by the British document '437. The amended claim 1 further recites structural features that are substantial different to the British document '437. Furthermore, the Applicant believes that the Examiner has incorrectly used and interpreted the British document '437 in rejecting claim 1 in that the Examiner states that the "British document discloses a caisson breakwater". The British document '437 does not disclose or teach a caisson, a breakwater, or any such structure similar to the amended claim 1. The British document '437 discloses a wave energy converter consisting of a vertical sealed tube open at its bottom and a U-tube being connected with each other. The vertical tube is connected with the sea through its bottom end, and the U-tube is connected to the sea through one of its two ends. So the converter in the British document '437 does not consist of a single

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U-tube in a caisson breakwater, and the converter is connected to the sea through two openings (not one opening as in the caisson breakwater of the present invention). Moreover the scope of the U-tube (15) is to maintain the oscillations of the master column (11) in the vertical tube (10) in phase with the wave motion (while in the present invention the scope of the U-conduit is to absorb wave energy).

Additionally, the device disclosed in the British document '437 cannot be incorporated into a caisson breakwater. This is because of the two openings: the opening at the bottom of the "vertical sealed tube (10)" where the "master column (11)" resides and the opening at the "other end (15A)" of the "U-shaped tube (15)". Both these openings must be subjected to the wave action. Should a caisson breakwater incorporate the device disclosed by the '437 document, one of said two openings should remain at the lee side of the breakwater, so that the device should not work.

Claim 1 as amended further recites structural features that are substantial different to the British document '437 in that the British document does not disclose or teach a "caisson (1) further comprising a superstructure (10) positionable above said caisson (1), and a roof (8) located above said room (3); and wherein said caisson (1) having at least one cell adapted to be filled with material." in combination with the structural limitations as originally claimed. Therefore, claim 1 as amended is felt to distinguish patentably from the British document '437 which is not a caisson breakwater.

The Examiner rejects claims 2-5 under 35 U.S.C. 103(a) as being unpatentable over British document '437 in view of Moody et al. Claims 2-5 are felt to be patentably distinguished over the British document '437 because of their above-mentioned dependency from amended claim 1. Furthermore, neither British document '437 nor Moody et al. disclose or teach the structural limitation of cells being connected with the atmosphere through tubes which join at least

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one air duct being provided with turbines, and where the tubes are provided with valves, as stated in claim 4.

Then, each chamber into which is partitioned the device of Moody et al. is provided with an inlet non-return valve and an outlet non-return valve. While the device of the present invention does not have any non-return valve. The partition of the device of Moody et al. into chambers each with two non-return valves is necessary in order to smooth the air flow in the turbine, given that said flow in said turbine must be only in one way: from the inside towards the atmosphere. While in the device of the present invention there is no need for a plurality of chambers each with two non-return valves, given that said device is provided with a turbine (e.g. a Wells turbine) wherein air can flow both from room (3) to the atmosphere and, in reverse, from the atmosphere to said room (3). In the present invention the partition of room (3) into cells has the only scope of increasing the structural resistance of caisson (1) which has to defend a port. Finally, there is an additional difference between the device of the present invention and the device of Moody et al.: in the device of Moody et al. the air flow is produced both by the wave motion and the motion of the floating generator structure; while in the device of the present invention, the air flow is produced only by the wave motion.

The Examiner rejects: claims 1/2/5/6, 1/2/6, 1/3/6 under 35 U.S.C. 103(a) as being unpatentable over British document '437 in view of Moody et al. as applied to claims 2-5, and further in view of British document (GB 2365385); claims 1/6 under 35 U.S.C. 103(a) as being unpatentable over British document '437 in view of British document '385; claims 1/2/5/7, 1/2/7, 1/3/7, 1/4/7 under 35 U.S.C. 103(a) as being unpatentable over British document '437 in view of Moody et al. as applied to claims 2-5, and further in view of Japanese document (61-28763); and claims 1/7 under 35 U.S.C. 103(a) as being unpatentable over British document '437 in view of Japanese document '763.

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The Applicant appreciates the fact that the Examiner has located a patent directed to an offshore power generating structure supported by the seafloor and including wind mills. In this respect, the amended claim 6 still has substantial structural differences to the British document '385 which the Examiner relies upon for his rejection of the claim. Claim 6 has been amended to further recite a caisson breakwater further comprising a number of wind mills in the protected water-sheet behind said caisson breakwater. None of the prior art references relied upon by the Examiner disclose or teach the specific location of the wind mills being in the protected water-sheet behind the caisson breakwater. The Amended claim 6 is felt to be patentably distinguished over the British document '437, Moody et al., and British document '385 because of its above-mentioned dependency from amended claim 1.

Claim 7 has been amended to remove the unsupported and indefinite turbine subject matter, and replaces the removed subject matter with limitations of the location of the turbine and the air duct above the superstructure and adjacent at a right angle to the room. Furthermore, amended claim 7 removes the multiple dependency language. The Amended claim 7 is felt to be patentably distinguished over the British document '437, Moody et al., and British document '385 because of its above-mentioned dependency from amended claim 1.

Claims 8-12 have been added to more completely cover certain aspects of the Applicant's invention.

With the above amendments being fully responsive to all outstanding rejections and formal requirements, it is respectfully submitted that the claims are now in condition for allowance, and a notice to that effect is earnestly solicited. Should the Examiner feel that there are further issues which might be resolved by means of telephone interview, the Examiner is cordially invited to telephone the undersigned at 403-444-5695, or email at davidguerra@verizon.net.

No additional fee is due.

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Respectfully Submitted,



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On (Date) 02/23/2006 by David A. Guerra

